IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.596 of 2007

Gunwant R. Shah and Anr. .. Petitioners

V/s

M/s Shah Construction Co.
Ltd. and Anr. ..Respondents

Shri P.K.Dhakephalkar i/b I.R.Joshi and Co. for the Applicants

S/Shri Sishir Joshi with Vachan Bodhe i/b M/s Chitnis Vaithy and Co. for the Respondent

CORAM:S.R.SATHE,J.

DATED:5th Oct.2007

P.C.:-

1. Heard the learned Advocates for both sides.

2. During the course of argument it transpired that admittedly hoardings have been erected at the suit site. It is also an admitted position that till this date the plaint is not amended and no further relief has been prayed in respect of the hoardings already errected.

3. In the circumstances, there is no propriety in interfering with the order passed by the learned trial Judge at this stage.

Instead the trial Court is hereby directed to dispose of the suit on merits according to law as expeditiously as possible and in any event within six months from today after giving due opportunity to both sides.

4. This Court has not expressed any opinion about the order passed in Notice of Motion.

5. A.O. disposed of accordingly.

6. Parties to act on the authenticated copy of this order.

(S.R.SATHE,J.)

. For the reasons separately recorded, the appeal from order is dismissed.

. The appellant to vacate the suit room and restore the position regarding possession mentioned in the order dated 27-10-2004 and parties to the suit to maintain status quo with regard to the possession as mentioned in the order dated 27-10-2004. The present Appellant original defendant no.4 to vacate the premises accordingly by end of this months.

. Parties to act on the copy of this order.

(S.R.SATHE,J.)